

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

EXXON MOBIL CORPORATION, )

*Plaintiff,* )

v. )

No. 4:16-cv-00469-K

MAURA TRACY HEALEY, )  
Attorney General of Massachusetts, )  
in her official capacity, )

*Defendant.* )

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MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE  
TO FILE AN *AMICUS* BRIEF

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Plaintiff ExxonMobil in Texas seeks a preliminary injunction against the enforcement of a Civil Investigative Demand sent by Defendant Maura Healey in Massachusetts that seeks forty (40) years of documents from Texas based on an alleged investigation of alleged violations of the Massachusetts Consumer Protection statute, Mass. General Laws Chapter 93A (MGL ch. 93A). Plaintiff ExxonMobil has submitted numerous documents with its petition for an injunction to support its view that this alleged reliance on MGL ch. 93A is entirely pretextual.

Dr. Bharani has been the recipient of a similarly dubious demand from Defendant Maura Healey that also was entirely pretextual and aimed at coercing Dr. Bharani to turn over documents over which Defendant Maura Healey had no jurisdiction and for an entirely different and unlawful purpose. Defendant Maura Healey is a defendant in a Federal lawsuit filed by Dr. Bharani as a result. Most importantly, Defendant Maura Healey withdrew from pressing her demand and instead publicly repudiated her own written reason (pretext) for the demand.

The briefing schedule ordered by the Court on June 6, 2016, set no deadlines for submission of *amicus curiae* briefs. Dr. Bharani has a directly relevant perspective and factual data to present to this Court that is not mere *ipse dixit*. It is also not theoretical or academic in any way. It shall supplement the brief filed by the 11 attorneys general.

Dr. Bharani is an ordinary member of the public, the person envisaged and designated by the Founding Fathers of this constitutional republic as most deserving of protection from unchecked government power.

Dr. Bharani is not just in danger of a theoretical attack by Defendant Maura Healey wielding government power unlawfully, he has already suffered it and presents the factual results to this Court.

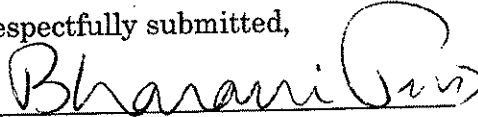
The experience of Dr. Bharani in terms of being at the receiving end of Defendant Maura Healey's exercise of power is instructive to all ordinary persons in this republic and shall certainly inform this Court.

Left unchecked, Defendant Maura Healey shall continue to abuse the powers of her office to retaliate, neutralize and chill the expression of views that do not stand in solidarity with her own.

For the above reasons, the motion for leave to file an amicus brief must be granted.

21 September 2016

Respectfully submitted,

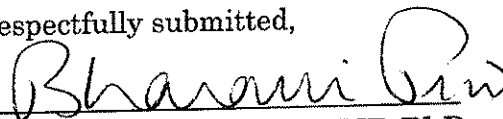
  
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**Certificate of Service**

*Amicus* Dr. Bharani certifies that he has served a copy of this brief upon counsel for both Plaintiff and Defendant via email and/or First Class mail.

21 September 2016

Respectfully submitted,

  
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